

FEDERAL REGISTER

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1934

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Washington, Tuesday, October 13, 1936

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48565]

PORT OF ENTRY

FORT PIERCE, FLORIDA, ABOLISHED AS A CUSTOMS PORT OF ENTRY
OCTOBER 7, 1936.

To Collectors of Customs and Others Concerned:

There is published below for the information of Customs officers and others concerned the following Executive Order, dated September 29, 1936, abolishing Fort Pierce, Florida, as a Customs port of entry in Customs Collection District No. 18 (Florida) with headquarters at Tampa, Florida, effective thirty days from the date of the order.

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Fort Pierce, Florida, be, and it is hereby, abolished as a customs port of entry in Customs Collection District No. 18 (Florida), effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

September 29, 1936.

[F. R. Doc. 2855—Filed, October 9, 1936; 3:06 p. m.]

[T. D. 48566]

CHANGES IN CUSTOMS AGENCY DISTRICTS

REFERS TO ARTICLE 1379, CUSTOMS REGULATIONS OF 1931

To Customs Agents, Treasury Attaches, Collectors of Customs, and Others Concerned:

On and after November 1, 1936, the following changes in Customs Agency Districts shall become effective:

District No. 16 shall consist of the countries in Europe and the Near East, with headquarters at Paris, France. The Treasury Attaché at Paris is designated Supervising Treasury Attaché for District No. 16, and shall have general supervision over all offices and employees of the Customs Agency Service in that district.

Any employee designated by the Supervising Treasury Attaché in District No. 16, is authorized to act for and on

behalf of such Attaché in his absence or when conditions require.

Districts Nos. 14, 15, 16, and 17, as heretofore existing, are hereby abolished.

All Treasury Decisions inconsistent with the above are amended accordingly.

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

Approved, October 6, 1936.

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 2856—Filed, October 9, 1936; 3:06 p. m.]

POST OFFICE DEPARTMENT.

SAFETY MATCHES, PREPARATION FOR MAILING

OCTOBER 8, 1936.

Safety matches (strike-only-on-the-box variety) of the box or small book type are acceptable for transmission in the mails when in strong containers, such as the double-faced corrugated fiberboard box lined with or wrapped in asbestos paper weighing approximately 12 pounds per 100 square feet; or lined with 0.0004 inch thick aluminum foil, or its equivalent in asbestos paper securely glued to the inner walls of the container; or in tightly closed metal containers. When wrapped in the prescribed weight asbestos paper an additional wrapper is necessary as asbestos paper does not make a satisfactory outside wrapper.

The asbestos paper or aluminum foil permitted for lining must be continuous with no holes in the sheets so that no portion of the box is unprotected. When more than two cartons of 50 boxes or books each are inclosed in one container a cardboard of 0.015 inch thick (15 point) covered on both sides with aluminum foil at least 0.0004 inch thick or the equivalent asbestos covered board, shall be placed between the layers so that no more than two cartons of 50 boxes or books each are in the same compartment.

Safety matches (strike-only-on-the-box variety) of the giant or jumbo book type are acceptable for transmission in the mails in single books holding not more than 12 matches inclosed in envelopes approximately 4 $\frac{1}{2}$ x 3 $\frac{3}{4}$ inches having a bursting strength of not less than 50 points (Mullen Tester) lined with not less than 0.006 inch thick long fibre asbestos paper or not less than 0.00035 inch thick aluminum foil. The envelopes shall not crack at the folds and a suitable adhesive shall be used.

[SEAL]

HARLLEE BRANCH,
Second Assistant Postmaster General.

[F. R. Doc. 2857—Filed, October 10, 1936; 11:52 a. m.]

¹1 F. R. 1737.



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DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

OCTOBER 7, 1936.

Pursuant to the authority conferred upon me by the Act of May 27, 1936 (Pub. No. 622, 74th Congress), amending Sec. 4450 R. S. entitled, "An Act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Board and increase efficiency in administration of the Steamboat Inspection laws, and for other purposes", I hereby promulgate the following rules and regulations for the investigation of marine casualties and accidents, involving loss of life, or acts of incompetency or misconduct in connection therewith committed by licensed officers or holders of certificates of service or efficiency, as provided under Sec. 4 of the Act of May 27, 1936.

Effective on and after October 7, 1936.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

RULES AND REGULATIONS FOR THE INVESTIGATION OF MARINE CASUALTIES AND ACCIDENTS OR ACTS OF INCOMPETENCY OR MISCONDUCT BY LICENSED OFFICERS OR HOLDERS OF CERTIFICATES OF SERVICE OR EFFICIENCY

SHORT TITLE

These rules may be cited as the "Marine Investigation Board Rules, 1936."

RULE I

"A" Marine Investigation Boards

SECTION 1. "A Marine Investigation Board."—The Board appointed for the investigation of a Marine Casualty or accident or other matter, involving loss of life, also any alleged act of incompetency or misconduct in connection therewith committed by a licensed officer or a holder of a certificate of service or efficiency, shall be known as the "A Marine Investigation Board."

SECTION 2. The A Marine Investigation Board may be addressed "The A Marine Investigation Board, Department of Commerce, Washington, D. C.

SECTION 3. The permanent dockets and records of the Board shall be kept in the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C. Their public records shall be open for inspection at reasonable times.

RULE II

Definitions

In these rules, unless the context or subject matter otherwise requires—

SECTION 1. Marine casualties and accidents involving loss of life shall include—

(a) Any marine casualty or accident involving any vessel, near the coast or within the navigable waters of the United States, its territories or possessions.

(b) Any marine casualty or accident involving any American vessel, or vessel owned by any person domiciled in the United States, wherever such casualty or accident may occur.

SECTION 2. When used in these rules—

(a) The term "party in interest" shall mean any person whom the Board shall find to have a direct interest in the investigation conducted by it and shall include an owner, a charterer, or the agent of such owner or charterer, of the vessel or vessels involved in the marine casualty or accident, and all licensed or certificated personnel whose conduct, whether or not involved in a marine casualty or accident, is under investigation by that Board.

(b) The term "the Act" shall mean the Act of May 27, 1936, Public, No. 622, amending Section 4450 R. S.

RULE III

Notice of Marine Casualty or Accident

SECTION 1. Whenever there is a marine casualty or accident involving loss of life, immediate notice thereof by telegram or radiogram or equally prompt means of communication shall be given by the master, owner, charterer, or agent of the vessel or vessels involved to the nearest local office of the Bureau of Marine Inspection and Navigation of the Department of Commerce, or to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C. Such notice shall furnish the names of the vessel or vessels involved, the owner or agent, the nature and cause of the casualty or accident, the locality, the nature of injuries to persons, and damage done to property. Such notices shall be in addition to any other notice required to be given by existing law and regulation. Any officer or employee of the United States or any other person having material knowledge or information concerning a marine casualty or accident shall immediately bring such information to the attention of the Bureau of Marine Inspection and Navigation.

RULE IV

Voyage records

SECTION 1. The owner, charterer, agent, master, or other licensed officer of any vessel involved in a marine casualty or accident shall retain the voyage records of the vessel, including both rough and smooth deck and engine room logs, bell books, navigation charts, navigators' work books, compass deviation cards, stowage plans, records of draft, aids to mariners, radiograms sent and received, and the radio log, and crews' and passengers' lists, which upon request shall be produced for the inspection of the Board or its agents whenever required.

RULE V

Questionnaire

SECTION 1. In order to facilitate the work of the Board any party in interest or other person shall, within such time as designated after any questionnaire respecting matters relating to a casualty or accident shall have been served upon them, file with the Board or its designated agent the exact information requested by such questionnaire.

RULE VI

Preliminary Investigation

SECTION 1. When a marine casualty or accident involving loss of life has occurred an investigation shall be promptly instituted by the Board.

SECTION 2. Upon the happening of a marine casualty or accident involving loss of life a preliminary investigation may be conducted by such persons designated by the Board who may be technically equipped or otherwise qualified. When necessary beyond territorial limits of the United States, such preliminary investigation may be conducted by an American Consul. Reports of all such preliminary investigations shall be promptly forwarded to the Board. If during the course of any preliminary investigation there shall be reason to believe that serious misconduct on the part of any person has taken place the Board shall immediately be notified.

RULE VII

Hearings

SECTION 1. The Board shall determine, so far as possible, the cause of any casualty or accident and the persons responsible therefor.

SECTION 2. Whenever a charge has been placed against a licensed officer or holder of a certificate of service or efficiency he shall be entitled to a copy of the charge prepared by the board and shall be given reasonable notice of the time and place of hearing and an opportunity of making a defense.

SECTION 3. The Chairman of the Board shall administer all necessary oaths to any witnesses appearing before it.

SECTION 4. Any party in interest to a proceeding before the board shall have the right to appear at such proceeding in person, or by counsel, to call, examine, and cross-examine witnesses, and to introduce into the record documents or other evidence. Appearance of any counsel representing a party to a proceeding before the board should be entered and filed prior to the commencement of the proceeding.

SECTION 5. The whole record of the testimony received by the Board conducting an investigation and the findings and recommendations of such Board shall be forwarded to the Director of the Bureau of Marine Inspection and Navigation.

SECTION 6. If the Director shall find that a licensed officer or holder of certificate of service or efficiency is incompetent or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or has willfully violated any of the provisions of this title or any of the regulations issued thereunder, or any law or regulation providing for safety at sea, he shall, in a written order reciting said findings, suspend or revoke the license or certificate of service or efficiency of the holder of such certificate.

SECTION 7. When any party to a proceeding before the Board desires an extension of time or that a hearing be continued to another date, he shall be allowed to apply for such extension of time or continuance by addressing his reason therefor in writing to the Board. Such application should be filed at least three days prior to the date set for hearing. The Board will then rule on the application and grant such extension of time or continuance for good cause shown. In the event any party in interest in a proceeding fails to file his application for a continuance within the time hereinbefore set forth, the Board may, in its discretion, still entertain such an application at any time before actual hearing, provided it is made to appear that the failure to file his application timely within these rules was due excusably to causes beyond the control of such party.

RULE VIII

Attendance of Witnesses—Production of Records

SECTION 1. Subpoena requiring the attendance of witnesses may be issued by any member of the Board, and may be served by a United States Marshal or his deputy, by a local inspector or by any person specially appointed by the Board for that purpose and not otherwise. When service is made by any person other than a United States Marshal or his deputy, such person shall describe by affidavit the manner in which service is made, and return to the Board such affidavit on or with the original subpoena in accordance with the form thereon. In case of failure to make service the reason for failure shall be stated on the original subpoena. In making service the original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him.

SECTION 2. Subpoena for the production of books, paper, documents, and any other evidence (Subpoena Duces Tecum) unless directed by the Board of its own motion, will, issue only upon application in writing. No subpoena duces tecum shall be issued in any cause without an order of the Board. Applications to compel witnesses who are not parties to the proceedings, or agents of such parties, to produce documentary evidence must be verified and must specify, as nearly as may be the books, papers, documents, and any other evidence desired and the facts to be proved by them. Applications to compel a party to the proceedings to produce books, papers, documents, and any other evidence, should set forth, the books, papers, documents, and any other evidence sought with the showing that it will be of service in the determination of the proceeding.

SECTION 3. Any attempt to coerce any witness, or to induce them to testify falsely in connection with a shipping casualty, or to induce them to leave the jurisdiction of the United States, shall be punishable by a fine of \$5,000 or imprisonment for one year, or both such fine and imprisonment as provided by the Act. Any person making such attempts shall be prosecuted by the Federal district attorney of the district having jurisdiction.

RULE IX

Exhibits

SECTION 1. When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party must plainly designate the matter so offered. If the other matter is so voluminous that it would unnecessarily encumber the record, such book, paper, or document will not be received in evidence but may be marked for identification and, if properly authenticated, the relevant and material matter may be read into the record or, if the Board so directs, a true copy of such matter in proper form, shall be received as an exhibit.

SECTION 2. Models, diagram, and other matter forming part of the evidence should be placed in custody of the Board or its agents where the hearing is to take place at least one day before any case is heard or submitted.

RULE X

All matters and records, other than records of public proceedings, shall be treated as confidential during the pendency of any investigation, unless the Director or Secretary shall otherwise order.

RULE XI

Appeal

SECTION 1. Any person whose license or certificate of service or efficiency is revoked may within thirty days appeal from the order of the said Director to the Secretary of Commerce. On such appeal the appellant shall be allowed to be represented by counsel. The Secretary of Commerce may alter or modify any finding of the Board which conducted the investigation or of the Director of the Bureau of Marine Inspection and Navigation, but the decision of the Secretary of Commerce shall be based solely on the testimony received by the said Board and shall recite the findings of fact on which it is based.

SECTION 2. Every appeal from the decision of the Director of the Bureau of Marine Inspection and Navigation shall be typewritten and shall set forth as briefly as possible the nature of the charge, shall declare the Board which heard the case, shall state the decision of the Director and shall contain the grounds for such appeal separately stated and shall be verified by the appellant or his counsel. The appeal shall take effect as of the date of filing with the Secretary of Commerce.

RULE XII

Witness fees

SECTION 1. Witnesses summoned before the Board under Subsection E of Section 4 of the Act shall be paid on application for their actual travel and attendance, a fee not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the District Courts of the United States. Forms of vouchers may be made out by any employee at a local office of the Bureau. Fees and travel allowance shall be paid after vouchers properly certified by a member of the Board conducting the hearing have been presented to the Assistant Disbursing Officer of the Treasury Department, if such officer is situated in the locality where the hearing is held; otherwise, by presenting said voucher to the Local Board of Local Inspectors of the Bureau of Marine Inspection and Navigation authorized by the Disbursing Officer of the Treasury Department to act as Agent Cashier.

RULE XIII

Computation of Time

SECTION 1. The time, within which, within any act, provided by these rules, or an order of the Board is to be done, shall be computed by excluding the first day and including the last unless the last day be Sunday or a legal holiday, in which case the time shall extend to and include the next succeeding day that is not a Sunday or legal holiday; *provided, however*, that where the time fixed by these rules or an order of the Board is five days or less all intervening Sundays and legal holidays, other than Saturday half holiday, shall also be excluded.

RULE XIV

Construction of Rules

SECTION 1. These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

SECTION 2. These rules shall have the force and effect of the Act of May 27, 1936, amending Section 4450 R. S.

SECTION 3. Any of these rules or regulations may be amended or rescinded at any time after publication in the Federal Register.

[F. R. Doc. 2871—Filed, October 12, 1936; 12:49 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3rd day of October A. D. 1936.

[Docket No. MC 17481]

APPLICATION OF ERNEST E. MOORE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Ernest E. Moore, Individual, Doing Business as Moore Motor Freight Lines, 566 Cedar Street, St. Paul, Minn., for a Permit (Form BMC A) Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of General Freight, in Interstate Commerce, from and between Points Located in the States of Minnesota, Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Missouri, and Kansas, Over Irregular Routes

It appearing That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.:

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2861—Filed, October 12, 1936; 12:16 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3rd day of October A. D. 1936.

[Docket No. MC 19693]

APPLICATION OF ERNEST E. MOORE FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER

In the Matter of the Application of Ernest E. Moore, Individual, Doing Business as Moore Motor Freight Lines, 566 Cedar Street, St. Paul, Minn., for a Certificate of Public Convenience and Necessity, or a Permit (Form BMC A), Authorizing Operation as a Common or Contract Carrier by Motor Vehicle in the Transportation of General Freight, in Interstate Commerce, from and between Points Located in the States of Minnesota, Iowa, Wisconsin, Illinois, North Dakota, South Dakota, Nebraska, Missouri, and Kansas, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and

for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2862—Filed, October 12, 1936; 12:17 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3rd day of October A. D. 1936.

[Docket No. MC 21231]

APPLICATION OF ERNEST E. MOORE FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Ernest E. Moore, Individual, Doing Business as Moore Motor Freight Lines, of 566 Cedar Street, St. Paul, Minn., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of General Freight in Interstate Commerce, From and Between Points Located in the States of Minnesota, Wisconsin, Illinois, Nebraska, South Dakota, North Dakota, and Iowa, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October, A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2863—Filed, October 12, 1936; 12:17 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3rd day of October A. D. 1936.

[Docket No. MC 24697]

APPLICATION OF ERNEST E. MOORE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Ernest E. Moore, Individual, Doing Business as Moore Motor Freight Lines, of 566 Cedar Street, St. Paul, Minn., for a Permit (Form BMC A), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of General Freight, in Interstate Commerce, From and Between Points Located in the States of Wisconsin, Minnesota, Iowa, Illinois, and Nebraska, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2864—Filed, October 12, 1936; 12:17 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3rd day of October A. D. 1936.

[Docket No. MC 80532]

APPLICATION OF ERNEST E. MOORE FOR AUTHORITY TO OPERATE AS A BROKER

In the Matter of the Application of Ernest E. Moore, Individual, Doing Business as Moore Motor Freight Lines, of 566 Cedar Street, St. Paul, Minn., for a License (Form BMC 4), Authorizing Operation as a Broker for the Purpose of Arranging Transportation of Commodities Generally, in Interstate Commerce, in the States of Minnesota, Wisconsin, Iowa, Illinois, North Dakota, South Dakota, Indiana, Nebraska, and Missouri

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary)

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sary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] **GEORGE B. McGINTY, Secretary.**

[F. R. Doc. 2865—Filed, October 12, 1936; 12:18 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 2nd day of October A. D. 1936.

[Docket No. MC 50647]

APPLICATION OF KERMIT ROTH FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Kermit Roth, of 55 Church Street, Leroy, N. Y., for a Certificate of Public Convenience and Necessity (Form BMC 8, New Operation), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, From and Between Points Located in the States of Connecticut, New Jersey, New York, Massachusetts, and Pennsylvania, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner D. C. Dillon for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor:

It is further ordered, That this matter be assigned for hearing before Examiner D. C. Dillon on the 19th day of November A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Buffalo, Buffalo, N. Y.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] **GEORGE B. McGINTY, Secretary.**

[F. R. Doc. 2860—Filed, October 12, 1936; 12:16 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of October A. D. 1936.

[Docket No. MC 33757]

APPLICATION OF WALTER WESARG FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Walter Wesarg, Individual, Doing Business as Wesarg Truck Line, of 69 Iglehart Avenue, St. Paul, Minn., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri, Over Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell, for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October, A. D. 1936, at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] **GEORGE B. McGINTY, Secretary.**

[F. R. Doc. 2866—Filed, October 12, 1936; 12:18 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of October A. D. 1936.

[Docket No. MC 68767]

APPLICATION OF WALTER WESARG FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Walter Wesarg, Individual, Doing Business as Wesarg Truck Line, of 69 Iglehart Avenue, St. Paul, Minn., for a Permit (Form BMC 1), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally in Interstate Commerce, in the States of Minnesota, Wisconsin, Illinois, Iowa, Ohio, Indiana, Arkansas, Louisiana, Missouri, and South Dakota, Over Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner B. E. Stillwell on the 30th day of October A. D. 1936 at 10 o'clock a. m. (standard time), at the offices of the Minnesota R. R. and Warehouse Commission, St. Paul, Minn.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which

must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] **GEORGE B. McGINTY, Secretary.**

[F. R. Doc. 2867—Filed, October 12, 1936; 12:18 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 2nd day of October A. D. 1936.

[Docket No. MC 37918]

APPLICATION OF WILLIAM WINTERS FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of William Winters, of 219 Welland Avenue, St. Catharines, Ont., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate and Foreign Commerce, from and between Thorold, Ont., and Buffalo, N. Y., Over N. Y. Highways 384 and 265 to the International Border Line

Also operations in the State of New York over irregular routes.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner D. C. Dillon for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be assigned for hearing before Examiner D. C. Dillon on the 20th day of November A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Buffalo, Buffalo, N. Y.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] **GEORGE B. McGINTY, Secretary.**

[F. R. Doc. 2859—Filed, October 12, 1936; 12:16 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 29th day of September A. D. 1936.

The subject of filing with the Interstate Commerce Commission a report of free transportation furnished persons other than employees of the reporting carrier and their families being under consideration:

It is ordered, That each steam railway Class I (except switching and terminal companies) shall make for each quarter of the calendar year 1937, but not thereafter until

further order, a report of free transportation furnished to persons other than employees of the reporting carrier and their families, showing the number of free passes and free tickets issued, the number of persons carried free, the number of non-revenue passenger-miles traveled by those persons, and the value of such free transportation, as indicated in the form of report attached to and made a part of this order.

It is further ordered, That said quarterly reports shall be filed under oath within 60 days after the end of the quarter for which the report is rendered.

By the Commission, division 4.

[SEAL]

GEORGE B. McGINTY, Secretary.

INTERSTATE COMMERCE COMMISSION

BUREAU OF STATISTICS

Report is to be filed in duplicate in the Bureau of Statistics, INTERSTATE COMMERCE COMMISSION, Washington, D. C., within 60 days after the end of the quarter for which it is rendered.

For Quarter ended 1937.

[Full name of reporting carrier. If a system report, give names of all operating roads included]

SCHEDULE FOR REPORTING FREE TRANSPORTATION FURNISHED TO PERSONS OTHER THAN EMPLOYEES OF THE REPORTING CARRIER AND THEIR FAMILIES¹

For _____ Quarter (_____) to _____ of 1937.

Line No.	Item	Employees of other carriers and their families (Note A)	Persons not employees of carriers or members of employees' families (Note B)
1	Number of free passes and free tickets issued to _____ (Note C)		
2	Number of persons carried free on the passes and tickets reported in line (1) _____ (Note D)		
3	Number of non-revenue passengers carried one mile on the passes and tickets reported in line (1) _____ (Note E)		
4	Value of free transportation reported in line (3) _____ (Note F)		

INTERSTATE COMMERCE COMMISSION

BUREAU OF STATISTICS

Notes of Instruction

(A) Include employees and their dependents of other railways, The Pullman Company, express, highway, airway, and waterway carriers and organizations maintained by the carriers such as demurrage and inspection bureaus, traffic bureaus, railway associations, etc.

(B) Include Government officials (federal, state, and municipal), eleemosynaries, clergy, educators, local publishers who receive free transportation in exchange for advertising, also those directors, officers, local surgeons, local counsel, and other persons associated with carrier corporations and their affiliates who receive free transportation but are not classified as carrier employees under the Commission's rules governing reports of service and compensation.

(C) Count each annual or term pass, coupon book, and round trip pass issued only once. Include free tickets and refunds issued to persons entitled to free transportation. Annual and term passes issued prior to 1937 but extended into or through 1937 should be reported as 1937 passes. Passes issued in 1937 not good until 1938 should be excluded.

(D) Count one passenger carried each time a pass is honored.

(E) The non-revenue passenger-miles for the quarterly period may be estimated by multiplying the actual number of persons carried on free passes and free tickets for the entire quarterly period by the average miles per passenger carried on such passes

¹ The word "Employees" as used herein is intended to cover those persons so classified under the Commission's rules governing reports of employees' service and compensation. It also includes for purposes of this particular report former employees pensioned, retired or furloughed. The families of employees for purposes of this report include the dependents of the former employees described above and the dependents of deceased employees. Free transportation furnished live stock caretakers or others provided for in published tariffs and also free transportation furnished contractors and their employees engaged in work for respondent, is excluded from this report.

and free tickets during a test period of not less than one week in each quarterly period.

(P) Estimate by multiplying the non-revenue passenger-miles (line 3) by the average fare per mile paid by revenue passengers for other than commutation service. If free transportation is furnished on commutation trains, its value should be computed separately on the basis of average commutation fares, but need not be reported separately.

OATH

STATE OF _____, County of _____, ss:

I, The undersigned _____, (Title of officer in charge of the accounts) _____ of the _____ (Full name of reporting company)

Company, on my oath do say that the annexed return has been prepared under my direction; that I have carefully examined the same, and declare the same to be a complete and correct statement of the statistics named, and that the various items here reported were, to the best of my knowledge, information, and belief, determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Subscribed and sworn to before me this _____ day of _____ 193____

P. O. Address _____

[F. R. Doc. 2868—Filed, October 12, 1936; 12:18 p. m.]

[Fourth Section Application No. 16544]

GASOLINE AND KEROSENE TO RIVER POINTS IN ALABAMA

OCTOBER 10, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. E. Tilford, Agent.
Commodities involved: Gasoline and kerosene, in carloads.
From: Mobile, Ala., and from New Orleans-Baton Rouge, La., group.
To: Hunter, Ala.
Grounds for relief: Water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2869—Filed, October 12, 1936; 12:19 p. m.]

[Fourth Section Application No. 16545]

LIME FROM CENTRAL TO SOUTHERN TERRITORY

OCTOBER 10, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent.
Commodity involved: Lime, in carloads.
From: Points in Central Freight Association territory.
To: Points in southern territory.
Grounds for relief: To maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2870—Filed, October 12, 1936; 12:19 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October A. D. 1936.

[File No. 36-23]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

ORDER APPROVING ACQUISITION OF SECURITIES AND UTILITY ASSETS PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Public Service Company of New Hampshire, a subsidiary company of a registered holding company, having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for the approval of the acquisition by it of 1,000 shares of Capital Stock, having no par value of Amoskeag Industries, Inc., and pursuant to Section 10 (a) (2) of said Act, for approval of the acquisition of the water rights and hydro-electric properties formerly owned by Amoskeag Manufacturing Company and more particularly described in said application;

Such application having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, that the acquisition by applicant, of such securities and utility assets be, and the same hereby is approved.

By the Commission

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2872—Filed, October 12, 1936; 1:01 p. m.]

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October A. D. 1936.

[File No. 2-2335]

IN THE MATTER OF REGISTRATION STATEMENT OF SILVER DOLLAR MINING COMPANY

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Silver Dollar Mining Company under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered, that a hearing in this matter under Section 8 (d) of said Act, as amended, be convened on October 23, 1936, at 10 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C., and continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that John H. Small, an officer of the Commission, be, and he hereby is, designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records

deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2873—Filed, October 12, 1936; 1:01 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of October A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE SEALY-BURKE #3 FARM, FILED ON SEPTEMBER 11, 1936, BY DION KITSOS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding:

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on October 2, 1936, be effective as of October 2, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2874—Filed, October 12, 1936; 1:01 p. m.]

SECURITIES EXCHANGE ACT OF 1934

[Release No. 890]

AMENDMENT TO RULE MB1, AND AMENDMENT TO FORM 4-M

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (b) and 23 (a) thereof, hereby takes the following action:

1. The second subparagraph of Rule MB1, under the caption "Form 4-M" is amended to read as follows:

Form 4-M. This form is to be used (a) for applications filed by a registered partnership on or after July 1, 1936, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, for the registration of a partnership to be formed as the successor to the applicant by the withdrawal or admission of one or more partners in the applicant; and (b) for applications filed on or after October 10, 1936, pursuant to said Section 15 (b) and Rule MB4, for the registration of a partnership formed as the successor to a registered partnership which has been dissolved by the death, withdrawal or admission of one or more partners, provided that the application is filed within 30 days after such dissolution.

2. Form 4-M¹ is amended to read as set forth in the copy attached hereto and marked "Form revised 10/10/36."

¹ F. R. 1629.

² Form 4-M has been filed with the Division of the Federal Register, The National Archives. Copies thereof may be obtained upon application to the Securities and Exchange Commission, Washington, D. C.

The foregoing action of the Commission shall be effective immediately upon publication, provided that Form 4-M, as in effect prior to the amendment made by paragraph 2 hereof, may be used for applications filed with the Commission on or before November 2, 1936, pursuant to the Rule as to the Use of Form 4-M as in effect prior to such amendment.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2875—Filed, October 12, 1936; 1:01 p. m.]

EXECUTIVE ORDER

REGULATIONS GOVERNING THE PREPARATION, PRESENTATION, FILING, AND DISTRIBUTION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of and pursuant to the authority vested in me by the Federal Register Act, approved July 26, 1935 (49 Stat. 500), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and distribution of Executive orders and proclamations:

1. Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) A suitable title for the order or proclamation shall be provided.

(b) The authority under which the order or proclamation is promulgated shall be cited in the body thereof.

(c) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 399, of January 23, 1906, and No. 6680, of April 17, 1934.

(e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, published by the Federal Board of Surveys and Maps.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, or descriptions of land may be single-spaced.

2. The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. If it conforms to the requirements of paragraph 1 hereof, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement of the reasons for such disapproval.

3. If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided, however, That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original." The Division of the Federal Register shall number and shall*

FEDERAL REGISTER, October 13, 1936

supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

4. The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appropriate agencies of the Government.

5. The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

6. The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the

custody of the Department of State shall be transferred to the National Archives.

7. Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

8. This order shall become effective on March 12, 1936, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 18, 1936.

[No. 7298]